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DECLARATION FOR UTILITY OR DESIGN PATENT APPLICATION (37 CFR 1.63)

☐ Declaration Submitted with Initial Filing *OR* ☒ Declaration Submitted after Initial Filing (surcharge (37 CFR 1.16 (e)) required)

Attorney Docket Number	2500495-991101
First Named Inventor	David O'Connor et al.
COMPLETE IF KNOWN	
Application Number	10/798.639
Filing Date	March 10, 2004
Art Unit	1645
Examiner Name	To Be Assigned

I hereby declare that:

Each inventor's residence, mailing address, and citizenship are as stated below next to their name.

I believe the inventor(s) named below to be the original and first inventor(s) of the subject matter which is claimed and for which a patent is sought on the invention entitled:

ADDRESSABLE MICROARRAY DEVICE, METHODS OF MAKING, AND USES THEREOF

(*Title of the Invention*)

the specification of which

☐ is attached hereto

OR

☒ was filed on (MM/DD/YYYY) 03/10/2004 as United States Application Number or PCT International Application Number ☐ and was amended on (MM/DD/YYYY) ☐ (if applicable).

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment specifically referred to above.

I acknowledge the duty to disclose information which is material to patentability as defined in 37 CFR 1.56, including for continuation-in-part applications, material information which became available between the filing date of the prior application and the national or PCT international filing date of the continuation-in-part application.

I hereby claim foreign priority benefits under 35 U.S.C. 119(a)-(d) or (f), or 365(b) of any foreign application(s) for patent, inventor's or plant breeder's rights certificate(s), or 365(a) of any PCT international application which designated at least one country other than the United States of America, listed below and have also identified below, by checking the box, any foreign application for patent, inventor's or plant breeder's rights certificate(s), or any PCT international application having a filing date before that of the application on which priority is claimed.

Prior Foreign Application Number(s)	Country	Foreign Filing Date (MM/DD/YYYY)	Priority Not Claimed	Certified Copy Attached? YES	NO
			☐	☐	☐
			☐	☐	☐
			☐	☐	☐
			☐	☐	☐

☐ Additional foreign application numbers are listed on a supplemental priority data sheet PTO/SB/02B attached hereto:

This collection of information is required by 37 CFR 115 and 37 CFR 1.63. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 21 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: **Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

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DECLARATION—Utility or Design Patent Application

Direct all correspondence to: ☒ Customer Number	26379	OR ☐ Correspondence address below	
Name			
Address			
City		State	ZIP
Country	Telephone		Fax

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. 1001 and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

NAME OF SOLE OR FIRST INVENTOR : ☐ A petition has been filed for this unsigned inventor

Given Name (first and middle [if any]): David		Family Name or Surname: O'Connor	
Inventor's Signature: *David O'Connor*			Date: 7/5/2004
Residence: City: NORTH BEND	State: Washington	Country: United States	Citizenship: United States
Mailing Address: 1556 STONE CREEK CIRCLE SW			
City: NORTH BEND	State: Washington	ZIP: 98045	Country: United States

NAME OF SECOND INVENTOR: ☐ A petition has been filed for this unsigned inventor

Given Name (first and middle [if any]): Barton		Family Name or Surname: Norton	
Inventor's Signature: *Barton Norton*			Date:
Residence: City: Redmond	State: Washington	Country: United States	Citizenship: United States
Mailing Address: 21311 NE 101st Court			
City: Redmond	State: Washington	ZIP: 98053-7644	Country: United States

☒ Additional Inventors are being named on the one supplemental Additional Inventor(s) sheet(s) PTO/SB/02A attached hereto.

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DECLARATION

ADDITIONAL INVENTOR(S)
Supplemental Sheet

Name of Additional Joint Inventor, if any:	☐ A petition has been filed for this unsigned inventor		
Given Name (first and middle (if any))	Family Name or Surname		
Gerald	Klein		
Inventor's Signature: Gerald L. Klein			Date: 5 Jul 04
Residence: City: EDMONDS	State: WA	Country: U.S.	Citizenship: United States
Mailing Address: 5731 153rd PLACE SW			
Mailing Address			
City: EDMONDS	State: WA	Zip: 98026	Country: United States

Name of Additional Joint Inventor, if any:	☐ A petition has been filed for this unsigned inventor		
Given Name (first and middle (if any))	Family Name or Surname		
Inventor's Signature			
Residence: City	State	Country	Citizenship
Mailing Address			
Mailing Address			
City	State	Zip	Country

Name of Additional Joint Inventor, if any:	☐ A petition has been filed for this unsigned inventor		
Given Name (first and middle (if any))	Family Name or Surname		
Inventor's Signature	Date		
Residence: City	State	Country	Citizenship
Mailing Address			
Mailing Address			
City	State	Zip	Country

This collection of information is required by 35 U.S.C. 115 and 37 CFR 1.63. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 21 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

If you need assistance in completing the form, call 1-800-PTO-9199 (1-800-786-9199) and select option 2.

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Form PTO-1595 (Rev. 10/02)
OMB No. 0651-0027 (exp. 8/30/2005)

RECORDATION FORM COVER SHEET
PATENTS ONLY

U.S. DEPARTMENT OF COMMERCE
U.S. Patent and Trademark Office

Tab settings ⇨⇨⇨ ☐ ☐ ☐ ☐ ☐ ☐ ☐

To the Honorable Commissioner of Patents and Trademarks: Please record the attached original documents or copy thereof.

1. Name of conveying party(ies):

David O'Connor, Barton Norton and Gerald Klein

Additional name(s) of conveying party(ies) attached? ☐ Yes ☐ No

2. Name and address of receiving party(ies)

Name: 3NETICS CORPORATION

Internal Address:

Street Address: 21311 NE 101st Court

City: Redmond State: WA Zip: 98053-7644

Additional name(s) & address(es) attached? ☐ Yes ☒ No

3. Nature of conveyance:

☒ Assignment ☐ Merger

☐ Security Agreement ☐ Change of Name

☐ Other

respectively.

Execution Date: July 19, 2004; June 10, 2004; June 10, 2004;, respectively

4. Application number(s) or patent number(s):

If this document is being filed together with a new application, the execution date of the application is:

A. Patent Application No.(s) 10/798,639

B. Patent No.(s)

Additional numbers attached? ☐ Yes ☒ No

5. Name and address of party to whom correspondence concerning document should be mailed:

Name: Michael T. Rosato

Internal Address: Seattle Office

Gray Cary Ware & Freidenrich LLP

Street Address: 2000 University Avenue

City: East Palo Alto State: CA Zip: 94303

6. Total number of applications and patents involved 1

7. Total fee (37 CFR 3.41).....$ 40.00

☒ Enclosed

☐ Authorized to be charged to deposit account

8. Deposit account number: 07-1896

(Attach duplicate copy of this page if paying by deposit account)

DO NOT USE THIS SPACE

9. Statement and signature.

To the best of my knowledge and belief, the foregoing information is true and correct and any attached copy is a true copy of the original document.

Michael T. Rosato, Reg. No. 52,182
Name of Person Signing

Signature

August 26, 2004
Date

Total number of pages including cover sheet, attachments, and documents 5

Mail documents to be recorded with required cover sheet information to:
Commissioner of Patents & Trademarks, Box Assignments
Washington, D.C. 20231

American LegalNet, Inc.
www.USCourtForms.com

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1/5

Attorney Docket No. 2500495-991101

ASSIGNMENT

WHEREAS, David O'Connor, Barton Norton and Gerald Klein have made certain inventions or discoveries (or both) set forth in an Application for Letters Patent of the United States of America entitled

ADDRESSABLE MICROARRAY DEVICE, METHODS OF MAKING, AND USES THEREOF

___ issued as U.S Patent No. _____
X filed as serial no.10/798,639 on March 10, 2004
___ filed herewith

WHEREAS, 3NETICS CORPORATION, a corporation whose address is 21311 NE 101st Court, Redmond Washington 98053-7644, and who, together with its successors and assigns is hereinafter called "Assignee", is desirous of acquiring the entire right, title and interest together with the benefits and privileges hereinafter recited;

NOW, THEREFORE, for valuable consideration furnished by Assignee to me, receipt and sufficiency of which I hereby acknowledge, effective as of the date signed, I hereby, without reservation;

1. Assign, transfer and convey to Assignee the entire right, title and interest together with the benefits and privileges in and to said inventions and discoveries, said Application for Letters Patent or similar forms of protection of the United States of America, and all other applications for Letters Patent on said inventions and discoveries in whatsoever countries, including all divisional, renewal, substitute, continuation and convention applications based in whole or in part upon said inventions or discoveries, or upon said application, and any and all Letters Patent, reissues and extensions of Letters Patent or similar forms of protection granted for said inventions and discoveries or upon said applications, and every priority right that is or may be predicated upon or arise from said inventions, said discoveries, said applications and said Letters Patent;

2. Authorize Assignee to file patent applications in any or all countries or groups of countries on any or all of said inventions and discoveries in our name or in the name of Assignee or otherwise as Assignee may deem advisable, under the International Convention or any other relevant convention or treaty or otherwise;

3. Authorize and request the Commissioner of Patents and Trademarks of the United States of America and the empowered officials of all other governments to issue or transfer all said Letters Patent to Assignee, as assignee of the entire right, title and interest therein, or otherwise as Assignee may direct;

4. Warrant that I have not knowingly conveyed to others any rights in said inventions, discoveries, applications or patents or any license to use the same or to make, use or sell anything embodying or utilizing any of said inventions or discoveries; and that I have good right to assign the same to Assignee without encumbrance;

5. Bind my heirs, legal representatives and assigns, as well as myself, to do, upon Assignee's request and at Assignee's expense, but without additional consideration to me or them, all acts reasonable serving to assure that said inventions and discoveries, said patent applications and said Letters Patent

COPY 2/5

shall be held and enjoyed by Assignee as fully and entirely as the same could have been held and enjoyed by me, my heirs, legal representatives and assigns if this assignment had not been made; and particularly to execute and deliver to Assignee all lawful application documents including petitions, specifications, and oaths, and all assignments, disclaimers, and lawful affidavits in form and substance as may be requested by Assignee; to communicate to Assignee all facts known to me relating to said inventions and discoveries or the history thereof; and to furnish Assignee with any and all documents, photographs, models, samples and other physical exhibits in my control or in the control of my heirs, legal representatives or assigns which may be useful for establishing any facts of my conceptions, disclosures, and reduction to practice of said inventions or discoveries.

IN WITNESS WHEREOF:

David O'Connor

7/19/2004
Date

STATE OF Washington)
) ss.
COUNTY OF King)

On 7-19-04 before me, Amy K. Hartlmueller, Notary Public, personally appeared David O'Connor,

_____ personally known to me

or

he proved to me on the basis of satisfactory evidence

to be the person whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his authorized capacity, and that by his signature on the instrument the person, or the entity upon behalf of which the person acted, executed the instrument.

WITNESS my hand and official seal

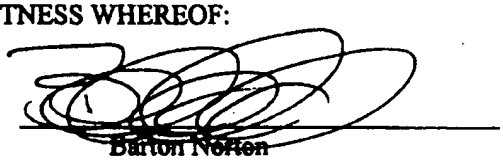
(SEAL)

NOTARY PUBLIC
STATE OF WASHINGTON
AMY K. HARTLMUELLER
My Appointment Expires July 11, 2006

Amy K. Hartlmueller
SIGNATURE OF NOTARY PUBLIC

COPY 3/5

IN WITNESS WHEREOF:



Barton Norton

10 Jun 04
Date

STATE OF WASHINGTON)
) ss.
COUNTY OF KING)

On 6/10/04 before me, JACLYN R. SMITH,
Notary Public, personally appeared Barton Norton

_____ personally known to me

or

✓ proved to me on the basis of satisfactory evidence

to be the person whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his authorized capacity, and that by his signature on the instrument the person, or the entity upon behalf of which the person acted, executed the instrument.

WITNESS my hand and official seal

(SEAL)

Notary Public
State Of Washington
JACLYN R. SMITH
MY COMMISSION EXPIRES
October 18, 2006



SIGNATURE OF NOTARY PUBLIC

COPY 4/5

Attorney Docket No. 2500495-991101

IN WITNESS WHEREOF:

Gerald L. Klein
Gerald Klein

23 Jul 04
Date

STATE OF Washington)
) ss.
COUNTY OF Snohomish)

On July 23rd, 2004 before me, Amy Albornoz,
Notary Public, personally appeared Gerald Klein

_____ personally known to me

or

_____ proved to me on the basis of satisfactory evidence

to be the person whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his authorized capacity, and that by his signature on the instrument the person, or the entity upon behalf of which the person acted, executed the instrument.

WITNESS my hand and official seal

Amy N. Albornoz
SIGNATURE OF NOTARY PUBLIC

(SEAL)

AMY N. ALBORNOZ NOTARY PUBLIC STATE OF WASHINGTON COMMISSION EXPIRES

Gray Cary\EM\7161388.1
2500495-991100

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OIPE JC11
SEP 03 2004
PATENT & TRADEMARK OFFICE

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: David O'Connor, Barton Norton and Gerald Klein

Serial No: Art Unit:

Filed: March 10, 2004 Examiner: To Be Assigned

Title: ADDRESSABLE MICROARRAY DEVICE, METHODS OF MAKING, AND USES THEREOF

* * *

Verified Statement Claiming Small Entity Status

Title: ADDRESSABLE MICROARRAY DEVICE, METHODS OF MAKING, AND USES THEREOF

In the name of: David O'Connor, Barton Norton and Gerald Klein

described in the specification filed herewith

Small Business Concern Statement

I hereby declare that I am

[] the owner of the small business concern identified below:

[✓] an official of the small business concern empowered to act on behalf of the concern identified below:

Name of Concern: 3NETICS CORPORATION

Address of Concern: 21311 NE 101st Court
Redmond, Washington 98053-7644

I hereby declare that the above identified small business concern qualifies as a small business concern as defined in 13 CFR 121.3-18, and reproduced in 37 CFR 1.9(d) for purposes of paying reduced fees under Section 41(a) and (b) of Title 35, United States Code, in that the number of employees of the concern, including those of its affiliates, does not exceed 500 persons. For purposes of this statement, (1) the number of employees of the business concern is the average over the previous fiscal year of the concern of the persons employed on a full-time, part-time, or temporary basis during each of the pay periods of the fiscal year, and (2) concerns are affiliates of each other when either, directly or indirectly, one concern controls or has the power to control the other, or a third-party or parties controls or has the power to control both.

I hereby declare that rights under contract or law have been conveyed to and remain with the small business concern identified above with regard to the invention identified above.

If the rights held by the above identified small business concern are not exclusive, each individual, concern or organization having rights to the invention is listed below and no rights to the invention are held by any person, other than the inventor, who could not qualify as a small business concern under 37 CFR 1.9(d) or by any concern which would not qualify as a small business concern under 37 CFR 1.9(d) or a nonprofit organization under 37 CFR 1.9(e):

Organization Identification

[] no such person, concern, or organization

[] persons, concerns, or organizations listed below

Full Name:

Address:

[] Individual [] Small Business Concern [] Nonprofit Organization

Acknowledgment and Declaration

I acknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small entity is no longer appropriate. (37 CFR 1.78(b))

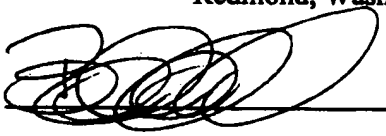
I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this verified statement is directed.

Name of Person Signing Barton F. Norton

Title of Person Signing President

Name of Concern: 3NETICS CORPORATION

Address of Concern: 21311 NE 101st Court
Redmond, Washington 98053-7644

Signature 

Date: 09 Jun 04